

Message Text

CONFIDENTIAL

PAGE 01 BELGRA 00543 01 OF 02 241921Z

ACTION EUR-12

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O 241846Z JAN 78

FM AMEMBASSY BELGRADE

TO SECSTATE WASHDC IMMEDIATE 4669

C O N F I D E N T I A L SECTION 1 OF 2 BELGRADE 543

TO DEPSEC CHRISTOPHER FROM AMBASSADOR GOLDBERG

E. O. 11652: GDS

TAGS: CSCE, OCON

SUBJ: BELGRADE CSCE - NEW US HUMAN RIGHTS PROPOSAL

1. IT IS BY BELIEF THAT WE SHOULD NOW MAKE A CONCRETE HUMAN RIGHTS PROPOSAL AT THE BELGRADE CONFERENCE (ALTERNATIVE TEXTS FOLLOW). THIS BELIEF IS BASED ON MY CONCLUSION THAT, IN REVIEWING THE RECORD OF THIS CONFERENCE, THE US HAS NOT MADE A SPECIFIC HUMAN RIGHTS PROPOSAL.

2. THE HUMAN RIGHTS PROPOSAL WHICH WE TABLED, AND WHICH WAS CO-SPONSORED BY THE NATO ALLIES, IS GENERAL IN CHARACTER AND MERELY REAFFIRMS THE WORDING OF THE FINAL ACT REGARDING RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS. THE OTHER PROPOSALS WE HAVE CO-SPONSORED HAVE BEEN LARGELY DEVELOPED BY OTHER DELEGATIONS.

3. I DO NOT ANTICIPATE THAT THE PRESENT HUMAN RIGHTS PROPOSAL WILL BE ACCEPTED OR RECEIVE CONSENSUS OF THIS MEETING. BUT, LIKE OTHER EFFORTS WE HAVE MADE AT THE UN OVER THE YEARS I BELIEVE IT IMPORTANT TO NOW TABLE A PROPOSAL OF THIS CHARACTER IN THE HOPE THAT SOME TIME IN THE FUTURE IT WILL BEAR FRUIT.

CONFIDENTIAL

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PAGE 02 BELGRA 00543 01 OF 02 241921Z

4. I HAVE MENTIONED THIS PROPOSAL TO THE NATO HEADS OF DELEGATION CAUCUS AND IT WILL BE THE SUBJECT OF OUR DISCUSSION AT THE NEXT CAUCUS ON WEDNESDAY, JANUARY 25. FROM MY INFORMAL DISCUSSIONS WITH SEVERAL ALLIED REPRESENTATIVES, IT IS EXTREMELY UNLIKELY THAT THIS PROPOSAL WILL RECEIVE ALLIED SUPPORT, BUT IT IS ALSO UNLIKELY THAT THE ALLIES WILL REGISTER PUBLIC

OPPOSITION TO IT. I WOULD APPRECIATE THE DEPARTMENT'S REACTION TO THIS PROPOSAL WHICH, WITH THE DEPARTMENT'S CONCURRENCE, I INTEND TO TABLE IN PLENARY AS PART OF US DRAFT CONCLUDING DOCUMENT ON FRIDAY, JANUARY 27.

5. FOLLOWING IS PROPOSED TEXT OF NEW US HUMAN RIGHTS PROPOSAL:

BEGIN TEXT: THE UNITED STATES DELEGATION CONSIDERS THAT THE REVIEW OF IMPLEMENTATION CONDUCTED BY THE BELGRADE MEETING HAS IDENTIFIED A NEED FOR A SUBSIDIARY BODY TO ASSIST PARTICIPATING STATES, INSTITUTIONS, ORGANIZATIONS AND PRIVATE PERSONS IN ACHIEVING THE FULL IMPLEMENTATION OF THE PRINCIPLE OF RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING THE FREEDOM OF THOUGHT, CONSCIENCE, RELIGION AND BELIEF AND OF THE HUMANITARIAN COOPERATION PROVISIONS OF THE FINAL ACT.

THE UNITED STATES DELEGATION ACCORDINGLY SUBMITS THE FOLLOWING PROPOSAL FOR BEGIN BRACKETS ESTABLISHMENT END BRACKETS BEGIN BRACKETS A MEETING OF EXPERTS TO CONSIDER ESTABLISHMENT END BRACKETS OF THE POSITION OF A CSCE COMMISSIONER FOR HUMAN RIGHTS AND HUMANITARIAN COOPERATION:

CONFIDENTIAL

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PAGE 03 BELGRA 00543 01 OF 02 241921Z

PROPOSAL

"THE PARTICIPATING STATES"

CONSCIOUS OF THE IMPORTANT CONTRIBUTION THAT FULL IMPLEMENTATION OF ALL PROVISIONS OF THE FINAL ACT WOULD MAKE TO THE FURTHER DEVELOPMENT OF THEIR MUTUAL RELATIONS AND OF DETENTE;

BELIEVING THAT THERE SHOULD BE APPROPRIATE OPPORTUNITY FOR GOVERNMENTS AS WELL AS INSTITUTIONS, ORGANIZATIONS AND PERSONS TO CONTRIBUTE TO IMPLEMENTATION OF THE PRINCIPLE OF RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING THE FREEDOM OF THOUGHT, CONSCIENCE, RELIGION AND BELIEF, AND OF THE HUMANITARIAN COOPERATION PROVISIONS OF THE FINAL ACT, WITHIN THE CSCE FRAMEWORK;

AND, IN PURSUANCE OF THE OBJECTIVES OF THE FINAL ACT; BEGIN BRACKETS ALTERNATIVE A END BRACKETS HAVE DECIDED TO ESTABLISH THE POSITION OF COMMISSIONER FOR HUMAN RIGHTS AND HUMANITARIAN COOPERATION TO ASSIST GOVERNMENTS IN IMPLEMENTING

RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
INCLUDING THE FREEDOM OF THOUGHT, CONSCIENCE,
RELIGION AND BELIEF, AND IN FURTHERING COOPERATION IN
HUMANITARIAN MATTERS.

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PAGE 01 BELGRA 00543 02 OF 02 241958Z
ACTION EUR-12

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O 241846Z JAN 78
FM AMEMBASSY BELGRADE
TO SECSTATE WASHDC IMMEDIATE 4670

C O N F I D E N T I A L SECTION 2 OF 2 BELGRADE 543

TO DEPSEC CHRISTOPHER FROM AMBASSADOR GOLDBERG

THE COMMISSIONER SHALL CONDUCT INVESTIGATIONS
INTO COMPLAINTS OF ALLEGED NON-IMPLEMENTATION OF THE
SEVENTH PRINCIPLE OR OF THE HUMANITARIAN COOPERATION
PROVISIONS OF THE FINAL ACT BROUGHT TO HIS ATTENTION
BY A PARTICIPATING STATE, OR BY PRIVATE INSTITUTIONS,
ORGANIZATIONS OR INDIVIDUALS. THE COMMISSIONER SHALL
SEEK TO ENCOURAGE THROUGH HIS GOOD OFFICES
RECTIFICATION OF SUBSTANTIATED AND JUSTIFIED COMPLAINTS.

PARTICIPATING STATES SHALL OFFER THE COMMISSIONER
ALL APPROPRIATE ASSISTANCE TO FACILITATE HIS ACTIVITIES.
THE COMMISSIONER SHALL IN ALL INSTANCES TRANSMIT A
FACTUAL REPORT OF AN INVESTIGATION TO THE GOVERNMENT OR
GOVERNMENTS OF THE PARTICIPATING STATE CONCERNED WITH
SUITABLE RECOMMENDATIONS IF WARRANTED. THE COMMISSIONER
SHALL TRANSMIT TO ALL PARTICIPATING STATES A FACTUAL
ACCOUNT OF HIS ACTIVITIES AT LEAST ANNUALLY AND NOT
LATER THAN THREE MONTHS PRIOR TO THE CONVENING OF A
FOLLOW-UP MEETING, AND HE SHALL HOLD HIMSELF AVAILABLE
TO MAKE SUCH CONTRIBUTIONS TO FOLLOW-UP
MEETINGS AS THE PARTICIPATING STATES DESIRE.

THE COMMISSIONER SHALL SERVE FOR A TERM OF
OFFICE EQUIVALENT TO THE PERIOD OF TIME BETWEEN HIS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BELGRA 00543 02 OF 02 241958Z

OR HER DESIGNATION AND THE NEXT FOLLOW-UP MEETING AND MAY BE REAPPOINTED FOR A MAXIMUM OF TWO ADDITIONAL TERMS. SELECTION SHALL BE BY THE PARTICIPATING STATES ON THE BASIS OF CONSENSUS. THE COMMISSIONER SHALL BE A CITIZEN OF ONE OF THE NEUTRAL OR NON-ALIGNED STATES PARTICIPANT IN THE CSCE AND SHALL BE ASSISTED BY A STAFF OF NO MORE THAN FIVE PERSONS EACH OF WHOM SHALL ALSO BE A CITIZEN OF A NEUTRAL OR NON-ALIGNED STATE PARTICIPANT IN THE CSCE. THE COMMISSIONER IS AUTHORIZED TO SELECT HIS STAFF AND TO DETERMINE SALARIES AND OTHER WORK CONDITIONS, INCLUDING LOCATION OF HIS OFFICE, AND SHALL HAVE AT HIS DISPOSAL AN ANNUAL BUDGET FIXED BY THE FINANCE COMMITTEE OF THIS MEETING, THE COST OF WHICH SHALL BE BORNE BY THE PARTICIPATING STATES ACCORDING TO THE SCALE OF DISTRIBUTION OF EXPENSES ESTABLISHED IN THE FINAL RECOMMENDATIONS OF THE HELSINKI CONSULTATIONS.

THE FIRST CSCE COMMISSIONER FOR HUMAN RIGHTS AND HUMANITARIAN COOPERATION SHALL BE SELECTED BY THE PARTICIPATING STATES AT THIS MEETING.

BEGIN BRACKETS ALTERNATIVE B END BRACKETS

HAVE DECIDED TO CONVENE A MEETING OF EXPERTS IN ----- TO MEET FOR APPROXIMATELY ----- WEEKS AND REPORT TO GOVERNMENTS ON THE FEASIBILITY OF ESTABLISHING AT THE MADRID MEETING THE POSITION OF COMMISSIONER FOR HUMAN RIGHTS AND HUMANITARIAN COOPERATION.

THE EXPERTS MEETING SHOULD CONSIDER SHOW BEST SUCH A COMMISSIONER MIGHT ASSIST GOVERNMENTS IN
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PAGE 03 BELGRA 00543 02 OF 02 241958Z

IMPLEMENTING RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING THE FREEDOM OF THOUGHT, CONSCIENCE, RELIGION AND BELIEF, AND IN FURTHERING COOPERATION IN HUMANITARIAN MATTERS, AND IN PARTICULAR HOW HE MIGHT CONDUCT INVESTIGATIONS INTO COMPLAINTS OF ALLEGED NON-IMPLEMENTATION OF THE SEVENTH PRINCIPLE OR OF THE HUMANITARIAN PROVISION OF THE FINAL ACT, BROUGHT TO HIS ATTENTION BY A PARTICIPATING STATE, OR BY PRIVATE INSTITUTIONS, ORGANIZATIONS, OR INDIVIDUALS.

THE EXPERTS MEETING SHOULD ALSO CONSIDER THE
GROUNDRULES PURSUANT TO WHICH SUCH A COMMISSIONER SHOULD
CONDUCT INVESTIGATIONS INTO COMPLAINTS OF ALLEGED NON-
IMPLEMENTATION OF THE SEVENTH PRINCIPLE OR OF THE
HUMANITARIAN COOPERATION PROVISIONS OF THE FINAL
ACT, HOW HE MIGHT BEST ENCOURAGE INFORMAL SATISFACTION
OF CASES AND REPORT TO THE GOVERNMENT OR GOVERNMENTS
CONCERNED ON PARTICULAR CASES AND TO ALL THE
PARTICIPATING STATES ON THE EXTENT OF HIS ACTIVITIES.
THE EXPERTS MEETING SHOULD ALSO SEEK TO DETERMINE
APPROPRIATE GUIDELINES FOR SELECTION OF A COMMISSIONER
AS WELL AS FOR RELEVANT FINANCIAL AND
ADMINISTRATIVE MATTERS. END TEXT.
GOLDBERG

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